

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C.

JAMES E. RAY,  
Plaintiff

vs.

NATIONAL ARCHIVES AND  
RECORDS SERVICE,  
Defendant.

Civil Action no. \_\_\_\_\_

COMPLAINT

This is a Complaint against the National Archives and Records Service, Judicial and Fiscal Branch, for the release of recorded tapes, and transcripts thereof, ect., pertaining to the Dr. Martin Luther King jr. homicide, and related matter & investigations thereof.

The Plaintiff, James E. Ray, complains against defendant, National Archives and Records service, and alleges:

1. JURISDICTION:

A) That this court has original jurisdiction of this action under Title 28, United States code, section 1361.

B) Additional original jurisdiction of this court is founded in: Lee v. Kelly, U.S. District court for the District of Columbia, No. 76-1185 & 1186.

C) Further jurisdiction of this action is provided the court, under the public information section of the administrative procedure Act, Title 5, United States code, section 552 as amended by 81 Stat. 54 (1967).

D) Relief is also sought pursuant to the federal declaratory judgment Act, Title 28, United States code, section 2201 and 2202.

2. Plaintiff, acting pro se, requests that the court issue summons in accordance with Rule 4 (a) (e) of the Federal Rules of Civil procedure.

3. Plaintiff presently resides in the state of Tennessee wherein he is incarcerated in the States penitentiary at Petros, Tennessee, serving a ninety-nine (99) year sentence in the murder of civil rights Leader, Dr. Martin Luther King jr. ("M.L.K."jr.)

4. NATURE OF THE ACTION:

On January 31, 1977, this court ordered that voluminous recorded tapes, and transcripts thereof, resulting from the Federal Bureau of Investigation ("F.B.I."), microphonic surveillance of Dr. Martin Luther King jr., during the period between 1963 and 1968, be removed from F.B.I. jurisdiction and placed in the National Archives under seal for a period of fifty (50) years. (EXH--A). Daid order apparently being pursuant to defendants demand in, *Lea v. Kelly*, supra.

The apparent rationale for the court's findings ordering the sealing of said recorded tapes/and transcripts thereof, and sequestering them in the National Archives for a period of fifty (50) years, was that the contents therein could violate the privacy of Dr. Martin Luther King jr. through publication in the news media of the recording contents; however, this court also found, in denying damages because of statute-of-limitations provisions, that said recording/transcripts had previously been offered and alluded to in the news media.

If in fact said recording/transcripts were offered & refused by the F.B.I. to the national news media for publishing & airing it is difficult for plaintiff to comprehend why the same press would be willing/egar to publish at this late date the material in controversy.

5. That on February 5, 1977, upon learning of, *Lee v. Kelly, supra*, herein plaintiff posted a letter to this court invoking what-ever legal right Plaintiff may have had in the suit under Rule 19 (c) of the Federal Rules of Civil Procedure. (EXH-E).
6. That said Recording/Transcripts thereof could not in their entirety be of a salacious & embarrassing nature.
7. That an investigation conducted and published October 10, 1975, by syndicated Columnist, Jack Anderson, at the request of Dr. Martin Luther King jr. associates, Anderson found there was nothing in said recording/transcripts thereof embarrassing to M.L.K. jr. (EXH-G).
8. That the F.B.I. has informed syndicated columnist, Paul Scott, and published by Mr. Scott in July 1978, that if the Select Committee of the United States House of Representatives investigating the murder of M.L.K. jr. is to thoroughly explore M.L.K. jr. murder, the committee must obtain permission from the court to examine said recording/transcripts because of the information they contain. Mr. Scott goes on to quates the F.B.I. as saying "secret communist" were involved in, and knew, M.L.K. jr.'s movements in Memphis, Tennessee, the day he was murdered, thus the sequestered tapes/Documents should be examined for possible new leads. (EXH-D).
9. That conversely, there have been published reports that it was the F.B.I., rather than secret communist, who were surreptitiously managing Dr. Martin Luther King jr.'s movements in Memphis, Tennessee, the day he was shot.
10. That there have been reports in the national news media that the F.B.I., in conjunction with certain establishment Black Leaders, were attempting to "eliminate" Dr. Martin Luther King jr. (Collective EXH-F).

11. That the Chairman of the aforementioned Select Committee has misled the public, through news conferences, that said Committee has viewed or perused said Recording/and transcripts thereof in the National Archives.

12. That syndicated columnist, Jack Anderson, has published in a column dated December 17, 1975, that the late Congressman, Hale Boggs, informed he (Anderson) that the F.B.I. was in effect Blackmailing certain Congressmen. (EXH-G).

13. That plaintiff has informed said Select Committee in writing that if any of said recording/transcripts thereof are embarrassing to Dr. Martin Luther King jr. then that portion(s) of the recording/transcripts can be destroyed forthwith. Plaintiff makes the same declaration in this Complaint.

14. That said Recording/transcripts thereof will provide leads that will assist in the exoneration of plaintiff in the Dr. Martin Luther King jr. homicide.

15. The plaintiff respectfully suggest to this court that the purposes of the National Archives is to preserve records and make them available to scholars and the general public, not to cover up political murders and perpetuate the blackmailing of politicians.

WHEREFORE, in view of the aforesaid the plaintiff, James S. Kay, ask:

A) That all of the aforementioned Recorded Tapes/Transcripts thereof, be made available to counsel representing Plaintiff, Mark Lane Esq., the general public, and the Select Committee of the United States House of Representatives investigating the King case.

B) That the court invite said Select Committee to enter this law suit in the public interest in order that all of the facts surrounding

the murder of Dr. Martin Luther King jr. can be layed before the American people.

C) That the court take into consideration that plaintiff is a layman and access, because of plaintiff's incarceration, to the proper law Books to bring this action is limited. Thus the court overlook technical errors in this Complaint.

D) That the court approach this suit in the law & spirit that the court's/Judge's colleague, Hon. John Sirica approached & adjudicated the Watergate affair.

Respectfully submitted

James E. Ray

Plaintiff, pro se

Brushy Mountain Prison

Petros, TN. 37845.

cc: Select Committee, U.S. House of Representatives.